

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

KEVIN PRIEST, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:21cv712(RCY)
)	
DBI SERVICES, LLC,)	
)	
<u>Defendant.</u>)	

ORDER
(Adopting Report and Recommendation of the Magistrate Judge)

Plaintiff Kevin Priest (“Plaintiff”), on behalf of himself and on behalf of other similarly situated employees, brought this class action suit against DBI Services, LLC (“Defendant”) to recover pay and benefits under the Worker Adjustment and Retraining Notification Act of 1988.

Pursuant to 28 U.S.C. § 636(b)(1)(B), and by Order of Reference (ECF No. 13), this matter was referred to United States Magistrate Judge Elizabeth W. Hanes for a Report and Recommendation (“R & R”).¹ In the R & R (ECF No. 14), filed on July 21, 2022, Magistrate Judge Hanes recommended that the Court DENY WITHOUT PREJUDICE Plaintiff’s Motion for Default Judgment (ECF No. 12).

By copy of the R & R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R & R was forwarded to the objecting party by Notice of Electronic Filing or mail, computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. Rule 6(d) permits an extra three (3) days if service occurs by mail. The parties were further advised that failure to file timely objections

¹ Magistrate Judge Elizabeth W. Hanes was elevated to the position of United States District Judge on August 5, 2022.

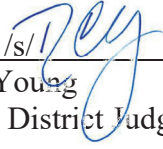
to the findings and recommendations would result in a waiver of any right to a *de novo* review of the determinations contained in the R & R. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). The time for filing written objections has passed, and neither party has filed objections. “[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Id.* (citation omitted).

The Court has reviewed the R & R and finds no clear error on the face of the record. Accordingly, the Court hereby ADOPTS and APPROVES in full the findings and recommendations set forth in the R & R. It is hereby ORDERED that the Plaintiff’s Motion for Default Judgment (ECF No. 12) is DENIED WITHOUT PREJUDICE.

The Clerk is directed to provide a copy of this Order to all counsel of record.

It is so ORDERED.

Richmond, Virginia
Date: September 14, 2022



Roderick C. Young
United States District Judge